



Appeal Decision

Site visit made on 19 October 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/P1045/W/21/3278962

Darley Hillside Methodist Church, Moor Lane, Darley Dale DE4 2HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Heslop against the decision of Derbyshire Dales District Council.
 - The application Ref 20/00854/FUL, dated 4 September 2020, was refused by notice dated 23 April 2021.
 - The development proposed is alterations and extension and change of use and alteration of vehicular access of former Methodist church to form single dwelling unit.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extension and change of use and alteration of vehicular access of former Methodist church to form single dwelling unit at Darley Hillside Methodist Church, Darley Dale DE4 2HG in accordance with the terms of the application, Ref 20/00854/FUL, dated 4 September 2020, subject to the following conditions set out in the attached schedule.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. In reaching my decision I have had regard to the revised Framework.

Main Issue

3. The main issue is whether sufficient evidence has been demonstrated to justify the permanent loss of the existing community facility.

Reasons

4. The appeal site relates to a former Methodist Church located outside the settlement boundary of Darley Dale, within the designated countryside. The proposal would convert the building into a 5-bedroom dwelling utilising the roof space with new openings, alterations to existing and a modest rear extension. The existing access would be modified by widening and realignment of the existing wall.
5. Policy HC15 of the Derbyshire Dales Local Plan, 2017 (LP) seeks to maintain and improve the provision of local community facilities and services. It sets out that development which involves the loss of a community asset or facility, including places of worship will only be supported where it can be demonstrated that (a) there is evidence to demonstrate that the existing use is no longer needed to serve the needs of the community; or (b) the existing

facility is no longer financially or commercially viable as demonstrated through a robust comprehensive marketing exercise with the facility actively marketed at a realistic price for a continuous period of at least 12 months immediately prior to the submission of an application; and (c) the use or facility has been offered to the local community for their acquisition / operation at a realistic price.

6. The policy is broadly consistent with the approach of the Framework, in regard to guarding against the loss of community services and facilities. At paragraph 93 (a) it specifically refers to the provision and use of shared spaces, community facilities being places of worship.
7. Historically it appears that the appeal site, the former 'Darley Hillside Methodist Church' was one of two Methodist Chapels within the area of Darley Dales that was closed. Hackney Methodist Church closed in August 2017 and the appeal site in February 2018. This was due to falling congregation numbers, with those now being accommodated at a single place of worship nearby at the Darley Dale Church.
8. There has been a significant amount of time since the appeal site closed, and from the evidence before me including site observations, the building would not require significant repairs or investment to bring it up to standard. The proposed works required to facilitate the conversion would comply with LP Policies S4, PD1, HC8 and HC19. However, it is clear that there has not been any activity at the site for some time.
9. The Council contends that the evidence presented does not demonstrate that the existing use is no longer needed to serve the needs of the community and evidence should extend to include that the building is not required for any of the community uses set out in policy, which is stipulated in the supporting text and relates to criterion (a) of Policy HC15.
10. However, within the previous appeal decision¹, the Inspector concluded at paragraph 7, the interpretation of supporting text and that *'this does not form the policy wording itself. Instead it is simply an aid to understanding the policy'*. At paragraph 10 the Inspector concludes that *'I am satisfied that the building's use as a Methodist Church is no longer needed to serve the needs of the community'*.
11. Therefore, I do not consider that the policy explicitly requires that such a proposal needs to demonstrate that it is not required for all of the community uses listed, this would be rather erroneous. Neither does the supporting text refer to places of worship or the suggested wording by the Council of 'existing community use'. The text simply refers to 'existing use'. The wording of the policy itself, requires that the existing use is no longer needed to serve the needs of the community.
12. From the evidence before me, including that there are alternative places of worship that have sufficiently accommodated the former congregation of the community, and there are other community facilities / uses nearby. I have no reason to disagree with the Inspector's findings and conclusions on these matters alone, and I am satisfied that criterion (a) has been met.

¹ APP/P1045/W/19/3241930

13. Moreover, I consider that there is somewhat of an inconsistent approach from the Council, in that there are similar considerations in this case, to those within the 'Hackney Church' determination. Given that both churches were within a short distance apart, served within the same community and congregation. It was also confirmed at that time Darley Dale is well served by existing community facilities and there was no demand for such a community use.
14. Nonetheless, in regard, to the first part of criterion (b) of Policy HC15, it explicitly relates to an existing facility being no longer financially or commercially viable. Given that this is a place of worship, the commercial aspect would not be relevant, which is the same conclusion that the previous Inspector took at the appeal site. Despite this, it does indicate that marketing should be carried out for a period of 12 months at a realistic price. Criterion (c) goes further in that it should be demonstrated that it has been offered to the local community for their acquisition / operation at a realistic price.
15. On the basis of the evidence before me, it appears that Fidler Taylor² were instructed within 2017 prior to the closure and then marketed the property on behalf of the Mid Derbyshire Methodist Circuit in 2018 following closure, initially by way of auction. The property was subsequently then sold prior to auction in 2019 to the appellant. It appears there were some discussions with 'The Scouts' and a local theatre group in 2017 but this did not materialise due to consideration of the cost of the long-term running and maintenance of the building for such a community use.
16. Once purchased, it appears that the appellant sought to undertake further marketing to demonstrate there was not a community need and that it has been offered to the local community for their acquisition. This evidence has been provided by way of a letter³ that states the building has been marketed for some time since October 2019. It confirms there have been a significant number of enquiries but those were interested in the change of use for residential development than any for the existing use. It also states there have been no offers to date.
17. This evidence is further supported by a 'Property Performance Report' of the marketing summary, incorporates where it was advertised including Rightmove and 4 times in the Peak Advertiser, a local independent newspaper. Appropriate interest and feedback are also supported up to January 2021, albeit negative in part from third parties. Although, I have not been provided with a full marketing brochure, in the appellant's evidence it shows that the advert sets out that it is an ex Methodist Church for sale as an ongoing community facility or with planning potential for redevelopment. As such, it shows marketing methods were undertaken, and it was on the basis of its current community use and offers in the region of the valuation.
18. Evidence has been provided on the valuation of the building⁴. These set out that in terms of the valuation of the property the opinions are that the value should be fairly reflected in the order of between some £300,000 to £325,000. The Council maintain that these are not considered to be a realistic price based on its current community use. However, I have no substantive evidence from the Council of an alternative figure or their own valuation of the property of

² Email from Simon Croft, Fidler-Taylor, dated 15 March 2021

³ Eadon Lockwood & Riddle, dated 14 September 2020

⁴ Caudwell & Co, dated 11 March 2021 / Eadon Lockwood & Riddle, dated 8 March 2021

what they consider as a realistic price or indeed what alternative valuation process they want. As such, on the basis of the evidence before me, I have no reason to disagree with the appellant's baseline assessment from those sales agents on the valuation, and that this could not be a realistic price within current market environments. The matters raised relating to blind auctions or not, are irrelevant for the purposes of the LP Policy and cannot form the basis of a 'realistic price' assumption.

19. Furthermore, in terms of marketing it would appear from the evidence that the appellant has carried out a marketing exercise for longer than the 12-month period that would be required under the provision of the Policy. As such, it would appear that generally marketing was maintained throughout the planning process. It considered the local community for their acquisition / operation. There was no contact / enquiries from any community groups. No dialogue has taken place on negotiating the site on behalf of any other community use for the existing or an alternative, within the period of marketing taking place by the appellant or since 2017.
20. Future uses of the site other than a place of worship (Class F1)⁵ would need to be within in Class F1. Any alternative 'local community use' (Class F2) would require planning consent as there is no permitted change between Classes F1 and F2. I have not been provided with any evidence to suggest that an application for an alternative local community use is forthcoming or even prior to its closure. Neither is there any substantive evidence of the building coming forward as a viable community project with local stakeholders. Given the period of time that has lapsed since its use as a place of worship, I am not satisfied that it currently offers any community value, positively contributes to the local community or that there is a real prospect of the site being used in the future for a local community use.
21. In arriving at this conclusion, I have taken into account the previous appeal decision. I note the Inspector dismissed on the basis of insufficient evidence provided. However, the evidence and justification before me in this appeal case has changed, leading me to reach a different conclusion.
22. For the reasons given above, I conclude that sufficient evidence has been demonstrated to justify the permanent loss of the existing community facility. The proposal would not be in conflict with Policy HC15 of the LP, as I have set out above. Moreover, it would not be in conflict with paragraph 93 of the Framework, that has regard to community facilities.

Other Matters

23. I have also been referred to other developments, including 'Darley Dale Medical Centre'. However, I do not consider that the scheme was directly comparable with the appeal proposal. It relates to a change of use of a doctor's surgery to a house in multiple occupation where the surgery was already relocated nearby, and pre-dates the appeal proposal and previous application. In any case, I have considered the appeal proposal on its own merits.
24. As I have found above, the appeal proposal would not result in any adverse impacts, including the loss of a place of worship. There would be a number of benefits to the appeal proposal, including the redevelopment of the site which

⁵ The Town and Country (Use Classes) (Amendment) (England) Regulations 2020

would make efficient use of previously developed land. Securing a new residential unit and boosting the supply of new homes in line with paragraph 60 of the Framework. There would be a modest social benefit in providing the housing and economic advantages would also arise from the construction phase, and in consideration of the appeal all weigh in favour of the proposal.

Conditions

25. I have considered the conditions suggested by the Council of which the appellant has seen including those of pre-commencement, and in light of the Planning Practice Guidance (PPG). For clarity, precision and to ensure compliance with the PPG, I have undertaken some minor editing and rationalisation.
26. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have imposed conditions (3), (4), (5), (6) specifying materials, rooflights and window details are to be agreed, and in order to safeguard the character and appearance of the existing building and area.
27. Conditions (7), (8) are necessary for landscaping of the site, in the interests of living conditions of future occupiers and the character and appearance of the area. Conditions (9),(10) are necessary for safe access to the site, parking provision, and the interests of highway safety. Conditions (11), (12), in the interests of protecting the character and appearance of the existing building and area.
28. I have not imposed the Council's suggested conditions on removing permitted development rights. In accordance with the PPG and the Framework, planning conditions should not be used to restrict national permitted development rights unless there is clear justification. In accordance with the PPG, they would not be reasonable or necessary and there is no clear justification for doing so.

Conclusion

29. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed subject to conditions.

K A Taylor

INSPECTOR

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Schedule of conditions attached to planning permission

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS Location Plan; 1914-Block; 1914-04; 1915-05 rev A; 1914-06 rev A; 1914-07 rev A; 1914-08 rev A; 1914-09; 1914-10 rev A.
- 3) Samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be constructed in accordance with the approved details.
- 4) Details of all new external window and door joinery and/or metal framed glazing shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The submitted details shall include depth of reveal, details of heads, cills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.
- 5) Details of the proposed rooflights (including size, manufacturer and model number) shall have been submitted to and approved in writing by the Local Planning Authority prior to installation. The new rooflights shall be of a design which, when installed, do not project forward of the roof plane. The works shall be carried out in accordance with the approved details
- 6) All window and door frames shall be recessed in their openings a minimum of 50mm behind the front face of the external walls of the dwellinghouse hereby approved.
- 7) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: -
 - a) indications of all existing trees, hedgerows and other vegetation on the land;
 - b) all vegetation to be retained including details of the canopy spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - c) measures for the protection of retained vegetation during the course of development;
 - d) all plant species, planting sizes, planting densities, the number of each species to be planted and plant protection;
 - e) finished site levels and contours in relation to the extension;
 - f) means of enclosure, and;
 - g) hard surfacing materials.
- 8) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is

- the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.
- 9) The dwelling hereby approved shall not be occupied until the existing access has been modified in accordance with Plan No. 1914-10 rev A.
- 10) Prior to the occupation of the dwelling on-site parking shall be provided, clear of turning area and maintained thereafter free from any impediment to its designated use.
- 11) Details of all new or replacement external chimneys, flues, extract ducts, vents, grilles and meter housings shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The development shall thereafter be carried out in accordance with the approved details.
- 12) All gutters, downpipes and other external plumbing shall be constructed in metal with a black painted finish and so retained thereafter.

- END OF SCHEDULE -